

F. No. B-31011/BMW (46.90)/2019/WMD-I

Speed Post

February 06, 2019

To

M/s IMAGE
(Indian Medical Association Goes Eco-Friendly)
Behind Gramalekshmi Mudralayam, Manthuruthi,
Kanjikkode West P.O. Palakkad - 678623

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW Rules) in suppression of the Bio-Medical Waste (Management & Handling) Rules, 1998, and amendments thereof, under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment;

WHEREAS Rule 5 of BMW Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7 (1) of BMW Rules, "bio-medical waste shall be treated and disposed of in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMW Rules, 2016";

WHEREAS Rules 14(1) of BMW Rules, "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 593 of 2017 (W.P.(CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.) directed CPCB that "CPCB may taken penal action for failure against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A.No. 593 of 2017, CPCB has developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s IMAGE, Pallakad (the Unit) was inspected by joint team of officials from Central Pollution Control Board (CPCB) & Kerala State Pollution Control Board (KSPCB) during September 24th-26th, 2014 whereby violation of provisions of the BMW Rules.were observed and accordingly Show Cause Directions under Section 5 of the Environment (Protection) Act, 1986 were issued vide letter No. B-31011 (BMW)/30/93/2015/HWMD/10853-856 dated 03.02.2015 directing the Unit to take necessary corrective measures within a period of three months;

WHEREAS the Unit was re-inspected during October 12th-13th, 2015 to verify compliance report submitted by the Unit vide letter 02.07.2015, wherein it was observed that the Unit was yet to comply with; (i) Up-gradation of APCD attached with incinerator (ii) Up-gradation of Effluent Treatment Plant; and (iii) Adequate measures for improving housekeeping in the facility. The said observations were forwarded to the Unit to take corrective measures;

WHEREAS based on the reply submitted by the Unit vide letter dated 31.10.2016, the Unit was again inspected jointly by CPCB & KSPCB during March 6th-7th, 2017 and the shortcomings were forwarded to KSPCB vide letter dated 22.05.2017 to ensure compliance by the Unit within a period of three months;

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WHEREAS CPCB was re-inspected the Unit again during November 29th -30th, 2018 to verify the compliance wherein the Unit was found not-complying with following provisions of BMWM Rules, 2016;

- a) Incinerators (05 nos.) were found exceeding the prescribed limit w.r.t particulate matter against the standard of 50mg/Nm³ as per BMWM Rules, 2016
- b) The combustion efficiency of incinerator was less than 99% which is required as per BMWM Rules, 2016.
- c) OCEMS installed with incinerators were not in working condition.
- d) Recording system installed with autoclaves were not in working condition and operating parameters such as temperature & pressure were not monitored.
- e) As per analysis of ETP treated waste water, BOD and COD are not meeting with the prescribed limit as per BMWM Rules, 2016.

WHEREAS the Unit has failed to comply with standards despite repeated directions since the year 2014;

WHEREAS based on the methodology developed by CPCB for Assessing Environmental Compensation and Action Plan to utilize the fund, the Environmental Compensation (EC) is calculated as ₹ 18,750 /- per day of non-compliance with effect from the date of inspection;

WHEREAS the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry or any local, or any other authority for any violation of the standards and rules relating to BMW notified under the Environment (Protection) Act, 1986 and amendments made thereof;

Now therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to;

- i) Take corrective measure w.r.t. aforesaid action points mentioned at s.no.(a) to (e) so as to comply with provisions of BMWM Rules, 2016, within a period of two months and to submit the time bound action plan within 15 days i.e. by 20.02.2019;
- ii) Deposit ₹ 13,12,500/- as Environmental Compensation for not complying with the provisions of BMWM Rules, 2016 as well as CPCB guideline for a period of 70 days since last inspection dated 29.11.2018 to till date i.e. 06.02.2019 in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these direction;
- iii) Thereafter, deposit ₹18,750/- per day of EC from 07.02.2019 till compliance w.r.to provisions of BMWM Rules, 2016 including compliance to the standards prescribed under BMWM Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s IMAGE, Palakkad, Kerala as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

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Copy for information to:

1. Joint Secretary, HSM Division
Ministry of Environment, Forest & Climate
Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary : For kind information
Kerala Pollution Control Board
Pattom Palace, P.O. Thiruvananthapuram -
695 004
3. Regional Directorate : For kind information
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru -560 010
4. I/c IT Division : For information and necessary action
5. I/c ESS Division : For information and record
6. I/c Accounts Division : For information & for further necessary
action


(Prashant Gargava)
Member Secretary

